

Message Text

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PAGE 01 STATE 038941

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

FRAF ED BY EUR/SE:RRDELABARRE:VSS

APPROVED BY EUR:LBLAINGEN

EUR/SE:NCLEDSKY

OASD/ISA:PEBARRINGER

L/EUR:KSGUDGEON

S/S - MR. MOFFAT

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O R 181803Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA IMMEDIATE

INFO USMISSION NATO

USCINCEUR

USAFE

S E C R E T STATE 038941

EXDIS, MILITARY ADEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS

TAGS: PFOR, MARR, MASS, TU

SUBJECT: TURKISH BASE NEGOTIATIONS - PROVISIONAL STATUS

REF: ANKARA 1050

1. ALTHOUGH CAGLAYANGIL'S REMOVAL OF BRACKETS FROM TURKISH FORMULATION FOR ARTICLE XXIII AS SUGGESTED BY ELEKDAG COULD BE EXPEDITIOUS MANNER OF RESTORING TAX RELIEF AND NATO/SOFA IMPLEMENTATION AGREEMENTS, THAT APPROACH POSES CERTAIN LEGAL PROBLEMS: (A) US ACCEPTANCE OF TURKISH FORMULATION FOR ARTICLE XXIII MIGHT IMPLY US RECOGNITION OF TURKISH PROVISIONAL STATUS (TO POSSIBLE US PREJUDICE WITH RESPECT TO POST JULY 75 TAX AND OTHER GOT CLAIMS); (B) TURKISH TEXT LIFTS "PROVISIONAL STATUS" ONLY AND NOT THEIR ENTIRE NOTE OF JULY 25, 1975; (C) TURKISH TEXT MIGHT NOT

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PAGE 02 STATE 038941

THEREFORE REINSTATE NATO/SOFA EXTENSION AND OTHER IMPORTANT

1969 DCA-RELATED TECHNICAL AGREEMENTS.

2. IN VIEW OF FOREGOING, WE SUGGEST THAT EMBASSY EXPLORE WITH TURKS ALTERNATIVE MEANS OF RESCINDING PROVISIONAL STATUS WHEN AGREEMENT INITIALED OR SIGNED, WHICH WOULD PROVIDE NEEDED CARRYOVER PROTECTION OF EXISTING AGREEMENTS UNTIL ALL ANNEXES OF THE NEW DCA ARE COMPLETED. FOR EXAMPLE, ARE TURKS DISPOSED TO AGREE TO REACTIVATION OF

BOTH SOFA IMPLEMENTATION AND EXTENSION IN TERMS OF RESCINDING PARA 4 OF "PROVISIONAL STATUS" ATTACHED TO JULY 25 NOTE?

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MILITARY BASES, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 FEB 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE038941
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760060-1186
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760238/aaaabgwa.tel
Line Count: 75
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: 76 ANKARA 1050
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 21 OCT 2004
Review Event:
Review Exemptions: n/a
Review History: WITHDRAWN <23 JUN 2004 by ifshinsr, REFER TO DOD/ISA>; RELEASED <21 OCT 2004 by powellba>; APPROVED <02 NOV 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: TURKISH BASE NEGOTIATIONS - PROVISIONAL STATUS
TAGS: PFOR, MARR, MASS, TU, US
To: ANKARA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006